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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,001	04/20/2001	Harald Apfelthaler	KWO-17702/01	2739

7590 02/15/2005

Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, P.C.  
Suite 400  
280 N. Old Woodward Avenue  
Birmingham, MI 48009-5394

EXAMINER
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HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/839,001

Applicant(s)

APFELTHALER, HARALD

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3,4,6-11 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-27 is/are allowed.
- 6) ☒ Claim(s) 3,4 and 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see the marked attachment.

## **DETAILED ACTION**

### ***Withdrawal of Allowable Subject Matter***

The indicated allowability of claims 6,9 and 11 is withdrawn in view of a more detailed review of DALLEN. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3,4,6 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #3,766,698 to DALLEN. DALLEN discloses the use of a plug (32) having upper end (as at 66) and a bottom end (BE), see the marked attachment, in combination with a muntin (30) having an outer surface (OS), an end (E), inner walls (IS) having a planar surface (40,42) that define a hollow space (31), see the marked attachment, and flanges (67'), a plurality of spring elements (56) such that the spring elements (56) are operable to engage the planar surface (40,42), see figures 2 and 4, and the plug (32) includes a body (50,52,54,78) having a longitudinal slot (134), column 6, line 33-39 and column 7, line 20-30, wherein the body (50,52,54,78) fits into the hollow space (31) of the muntin (30) wherein the plug body (50,52,54,78), upon insertion of a screw (114) into the longitudinal slot (134), is operable by "forcing the body (50,52,54,78)", column 6, lines 33-39, into the muntin (30). Upon insertion of the screw (114), the body (50,52,54,78) is also forced apart from one another, and into engagement with portions (34,36) of the muntin (30). In regards to the longitudinal slot (134), due to the fact that the longitudinal slot (134) is drilled through the gasket (32)

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and plug (100), and the upper end of the gasket (32) already has a different width at the top as at (90), the slot (134) formed therein, once drilled therethrough, would inherently open up into this different width area (90) thereby creating a longitudinal slot (134) having a different width (90) at the upper end (as at 66) than that at the bottom end (BE). In reference to claims 3 and 4, the slot (134) is coaxially aligned with the plug body (50,52,54,78) and completely penetrates the plug body (50,52,54,78), see Figure 4. regarding claim 6, again, due to the fact that the longitudinal slot (134) is drilled through the gasket (32) and plug (100), and the upper end of the gasket (32) already has a greater width at the top as at (90), the slot (134) formed therein, once drilled therethrough, would inherently open up into this greater width area (90) thereby creating a longitudinal slot (134) having a greater width (90) at the upper end (as at 66) than that at the bottom end (BE).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,766,698 to DALLEN in view of US Patent #5,312,215 to ANQUETIN. DALLEN discloses the basic claimed muntin and terminal plug combination except for the use of the longitudinal slot having a slotted wall. ANQUETIN teaches that it is known in the art to provide a longitudinal slot (14) with slots (18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the longitudinal slot of DALLEN with slots of ANQUETIN, in order to increase

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the tension between the plug body and the screw thereby increasing the friction therebetween to resist separation thereof and securely fasten the two members together.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,766,698 to DALLEN in view of US Patent #5,205,688 to SUNDSTROM. DALLEN discloses the basic claimed muntin and terminal plug combination except for the use of the longitudinal slot having a slotted wall or teeth. SUNDSTROM teaches that it is known in the art to provide a slot (2) with teeth (5). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the longitudinal slot of DALLEN with the teeth of SUNDSTROM, in order to increase the tension between the plug body and the screw thereby increasing the friction therebetween to resist separation thereof and securely fasten the two members together. Regarding to claim 9, because the slot (134) has a widened area (as at 90 in figure 3) at the upper end (as at 66), the opposing walls that becomes smaller (see figure 4) towards the bottom end (BE). In reference to claim 10, obviously, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the teeth (5) of SUNDSTROM in the slot (134) of DALLEN such that when the screw (114) is passed through the slot (134) a tip thereof (possibly the ends of the threads) abuts the teeth (5) where provided with the commonly known slots or teeth to enforce "widening" of the slot (134). Regarding claim 11, the longitudinal slot (134) is drilled through the gasket (32) and plug (100), and the upper end of the gasket (32) already has a greater width at the top as at (90), the slot (134) formed therein, once

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drilled therethrough, would inherently open up into this greater width area (90) thereby creating a longitudinal slot (134) having a greater width (90) at the upper end (as at 66) than that at the bottom end (BE).

***Allowable Subject Matter***

Claims 21-27 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

***Response to Arguments***

Applicant's arguments with respect to claims 3,4,6-11 have been considered but are moot in view of the new ground(s) of rejection.

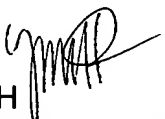
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



YMH

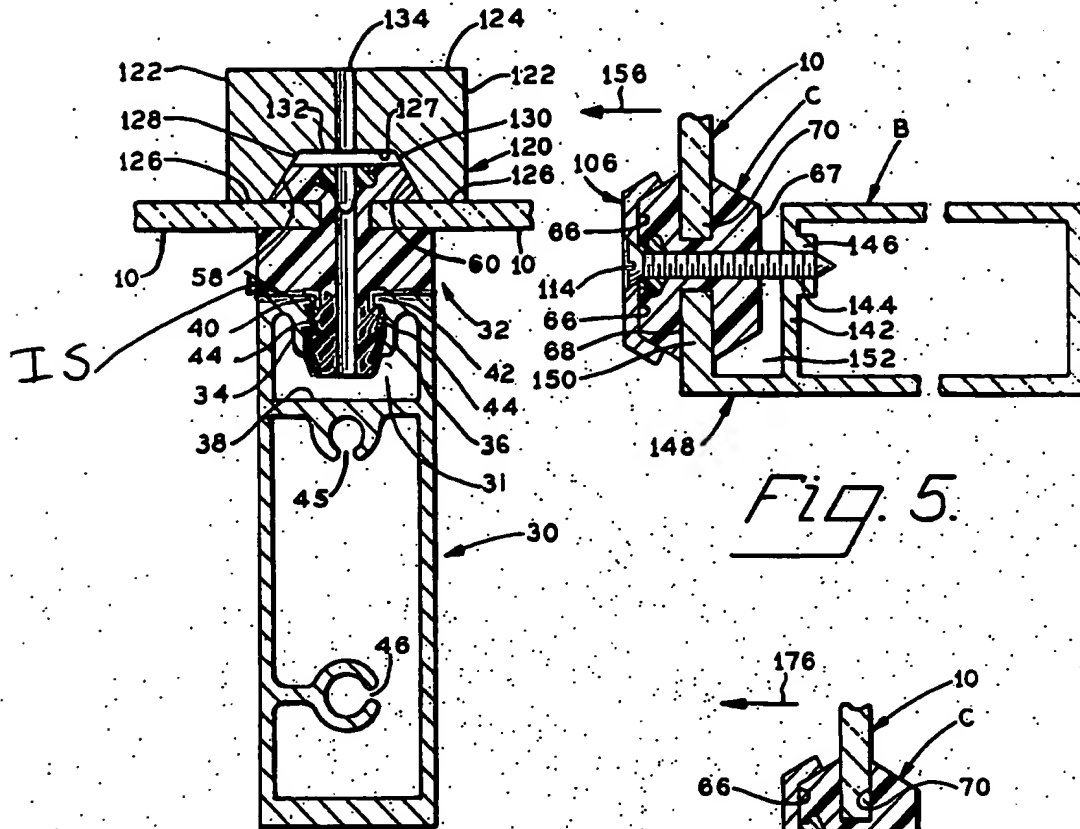
February 11, 2005

EXHIBIT

**Patented Oct. 23, 1973**

**3,766,698**

**2 Sheets-Sheet 2**





EXHIBIT

Patented Oct. 23, 1973

3,766,698

2 Sheets-Sheet 1

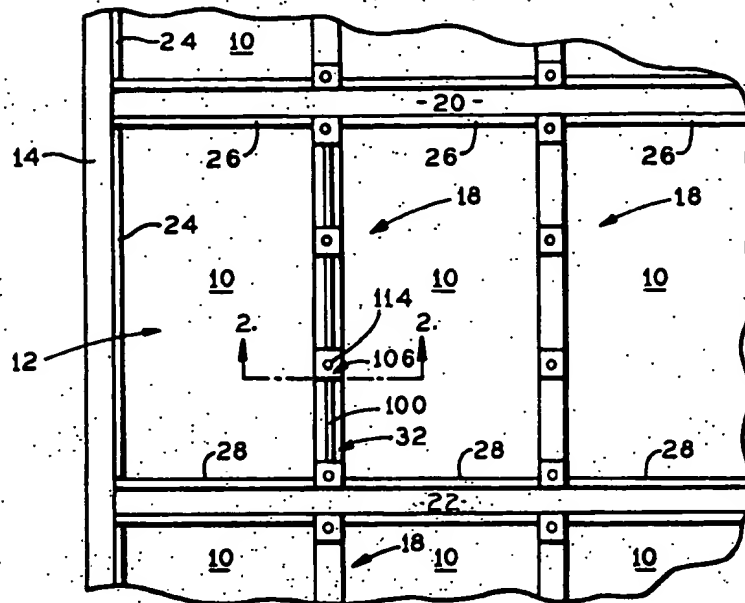


Fig. 1.

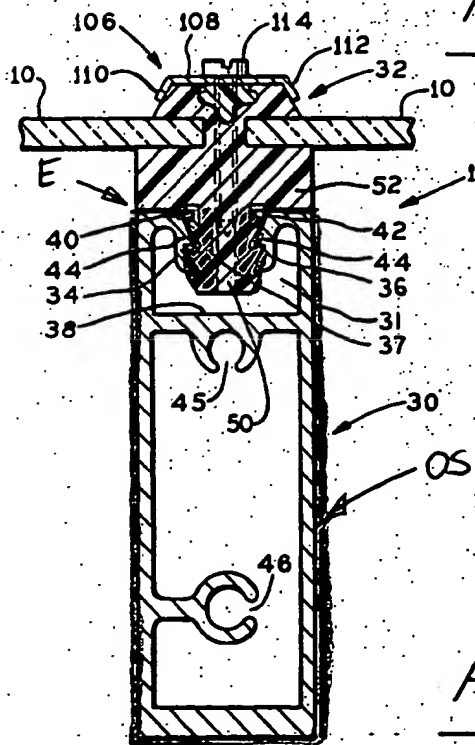


Fig. 2.

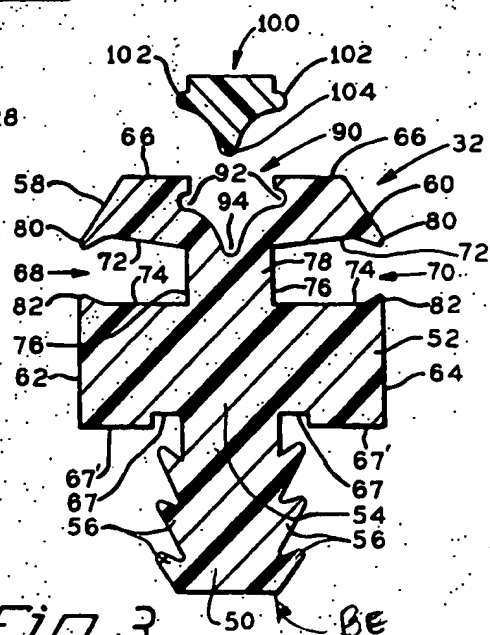


Fig. 3.

INVENTOR:  
JOHN A. DALLEN

BY  
*Meyer, Tilberry & Body*  
ATTORNEYS.